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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,195	04/08/2004	James M. Brenner	200316356-1	2303

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EXAMINER

MARTIN, LAURA E

ART UNIT PAPER NUMBER

2853

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/822,195	Applicant(s) BRENNER, JAMES M.	
	Examiner Laura E. Martin	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarmast et al. (US 2002/0135629).

As per claim 23, Sarmast et al. teaches a method for mitigating the effects of printer dot placement error comprising: determining contrasts in image colors that cause a printer to print images with visible defects resulting from dot placement errors [0028]; for each of a plurality of image printing orientations for an image, identifying regions of the image where dot placement errors can occur when using the printer to print the image (figure 5, element 66; [0030]); analyzing the image to determine an incidence of the contrasts in the regions identified for each of the image printing orientations [0028]; and selecting an image printing orientation with a lowest incidence of contrasts that are likely to cause the printer to generate a printout of the image that has a visible defect resulting from dot placement errors [0032].

As per claim 29, Sarmast et al. teaches a method for mitigating the effects of printer dot placement error, wherein analyzing the image includes comparing the image colors of adjacent image pixels [0030].

As per claim 30, Sarmast et al. teaches a method for mitigating the effects of printer dot placement error, wherein analyzing the image includes comparing the image colors along a feed direction of the printer (figure 7, elements 116 or 118).

As per claim 31, Sarmast et al. teaches a method for mitigating the effects of printer dot placement error, wherein the visible defect is a band (figure 7, elements 116 or 118).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarmast et al. (US 2002/0135629) in view of Mantell (US 6764156).

Sarmast et al. teaches the method for mitigating the effects of printer dot placement errors, as well as determining contrasts [0028]; however, it does not teach taking into consideration a distance between a component of the printer and a print zone of the printer or taking into consideration a distance between a pen of the printer and a piece of media to be printed upon by the printer.

Mantell teaches taking into consideration a distance between a component of the printer and a print zone of the printer or taking into consideration a distance between a

pen of the printer and a piece of media to be printed upon by the printer (column 3, lines 36-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Sarmast et al. with the disclosure of Mantell in order to further control ink discharge and improve image quality.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarmast et al. (US 2002/0135629) in view of Rasmussen et al. (US 6139140).

Sarmast et al. teaches the method for mitigating the effects of printer dot placement errors, as well as determining contrasts [0028]; however, it does not teach taking into consideration a distance between a pinch point and a print zone of the printer.

Rasmussen et al. teaches taking into consideration a distance between a pinch point and a print zone of the printer (column 4, lines 34-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Sarmast et al. with the disclosure of Rasmussen et al. in order to reduce errors in printed images.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarmast et al. (US 2002/0135629) in view of Komiya et al. (US 6443550).

Sarmast et al. teaches the method for mitigating the effects of printer dot placement errors, as well as determining contrasts [0028]; however, it does not teach

taking into consideration a media type upon which the image is to be printed by the printer.

Komiya et al. teaches taking into consideration a media type upon which the image is to be printed by the printer (column 4, lines 35-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Sarmast et al. with the disclosure of Komiya et al. in order to improve image quality and decrease printing errors.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarmast et al. (US 2002/0135629) in view of Ohki (US 6429556).

Sarmast et al. teaches the method for mitigating the effects of printer dot placement errors, as well as determining contrasts [0028]; however, it does not disclose including taking into consideration a quality level at which the image is to be printed by the printer.

Ohki teaches including taking into consideration a quality level at which the image is to be printed by the printer (column 1, lines 25-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Sarmast et al. with the disclosure of Ohki in order to create a higher quality image and reduce printing errors.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kikuchi et al. (US 6213585) and Fujita et al. (US 6491373) also teaches a method for mitigating dot placement errors by determining contrasts in image colors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura E. Martin


5/12/06
MANISH S. SHAH
PRIMARY EXAMINER